The Honorable Benjamin Settle 1 Trial Date: April 16, 2013 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 8 AT TACOMA CLYDE RAY SPENCER, MATTHEW RAY SPENCER, and KATHRYN E. TETZ, No. C11-5424BHS 11 Plaintiffs, DECLARATION OF GARY A. WESTERN 12 VS. 13 FORMER DEPUTY PROSECUTING ATTORNEY FOR CLARK COUNTY JAMES M. PETERS, DETECTIVE SHARON KRAUSE, SERGEANT MICHAEL DAVIDSON, CLARK COUNTY 16 | PROSECUTOR'S OFFICE, CLARK COUNTY SHERIFF'S OFFICE, THE 17 COUNTY OF CLARK, SHIRLEY SPENCER and JOHN DOES ONE THROUGH TEN, 18 Defendants. 19 I, Gary A. Western, declare under penalty of perjury under the laws of the State of 20 Washington that the following is true and correct. 21 22 23 DECLARATION OF GARY A. WESTERN - 1 Wilson Smith Cochran Dickerson gw/GW1218.466/916147 A PROFESSIONAL SERVICE CORPORATION

WILSON SMITH COCHRAN DICKERSON
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2 Page 2 of 4

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1	1. I am over the age of 18, I am one of the attorneys representing Defendant		
2	Shirley Spencer in this matter and I am competent to make the following declaration based		
3	upon my personal knowledge and a review of the files and records related to this litigation.		
4	2. Defendant Spencer's Motion for Summary Judgment was originally noted for		
5	April 20, 2012. On April 6, 2012, counsel for Plaintiffs called my office to request that we		
6	agree to continue that matter. My office agreed and the motion was re-noted for May 18,		
7	2012.		
8	3. Attached hereto as Exhibit A are pertinent pages from the Trial Transcript in		
9	the Habeas Corpus hearing presided over by Judge Bryan on September 3, 1996.		
10	4. Attached hereto as Exhibit B are pertinent pages from the deposition of		
11	Sharon Krause, taken in Longview, Washington, on May 22, 1996.		
12			
13	I declare under penalty of perjury under the laws of the State of Washington that the		
14	foregoing is true and correct.		

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Washington, this

CERTIFICATE OF SERVICE

The undersigned certifies that under penalty of perjury under the laws of the State of Washington that on the below date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorney for Plaintiffs

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DECLARATION OF GARY A. WESTERN – 3 gw/GW1218.466/916147

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Attorney for Defendant Peters

'	Attorney for Defendant Shirley Spencer	Attorney for Defendant I eters	
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2	Dunn Law Office	Assistant Attorney General	
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4		Email: patriciafl@atg.wa.gov	
5			
	and I hereby certify that I have mailed by Uni	ted States Postal Service the document to the	
6	following non CM/ECF participants:		
	one wing non-one participants.		
7	Attorney for Defendant Peters		
8	Robert M. McKenna		
	Attorney General of Washington		
9	Government Operations Division		
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10	PO Box 40108		
44	Olympia, WA 98504-0108		
11	_n		
12	SIGNED this 18 day of May, 2012,	at Seattle, Washington.	
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	Bette Lastins		
14	Betty Dobbins		
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Attorney for Defendant Shirley Spencer